



## Belize

### Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 4, 2002

Belize is a parliamentary democracy with a constitution enacted in 1981 upon independence from the United Kingdom. The Prime Minister, a cabinet of ministers, and a legislative assembly govern the country. The Governor General represents Queen Elizabeth II in the largely ceremonial role of head of state. Prime Minister Said Musa's People's United Party (PUP) holds 26 of the 29 seats in the House of Representatives following generally free and fair elections in 1998. The Government generally respects the constitutional provisions for an independent judiciary; however, at times the judiciary is subject to political influence.

The Police Department has primary responsibility for law enforcement and maintenance of order. The Belize Defense Force (BDF) is responsible for external security but, when deemed appropriate by civilian authorities, may be tasked to assist the police department. Both the police and the BDF report to the Minister of National Security and are responsible to and controlled by civilian authorities. There were reports of abuse by the police.

The country's population is approximately 250,000. The economy is primarily agricultural, although tourism has become the principal source of foreign exchange earnings. The agricultural sector is heavily dependent upon preferential access to export markets for sugar and for bananas. The Government favors free enterprise and generally encourages investment, although domestic investors are given preferential treatment over foreign investors in a number of key economic sectors. In 2000 gross domestic product grew at an annual rate of 8.2 percent in real terms. Annual per capita income was \$2,913.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Principal human rights abuses include occasional brutality and use of excessive force by the police when making arrests, poor prison conditions, allegations of arbitrary arrest and detention, lengthy pretrial detention, political influence on the judiciary, and judicial limits on freedom of the press. Violence and discrimination against women, abuse of children, and employer mistreatment of undocumented foreign workers also were problems. There were reports of trafficking in persons.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no political killings by the security forces.

On November 22, soldiers from the BDF shot and killed three Guatemalans in the "adjacency zone" along the border with Guatemala. According to the Government, a joint BDF-Police Department patrol arrived on land disputed between a Guatemalan farmer and a Belizean farmer. The patrol opened fire when the Guatemalan farmer approached with a machete and did not stop when ordered; 61-year-old Jesus Ramirez Solano and his two sons, Jesus Ramirez Icho and Virgilio Ramirez Icho, were killed. Both Governments asked the Organization of American States (OAS) to investigate the killings. After an investigation, on December 18, the OAS facilitators to the Border Talks between the two Governments issued formal recommendations that the Belize Government pay compensation to the victims' family and suspend all BDF and police personnel involved in the killings, pending a judicial investigation to determine culpability for the deaths. At year's end, the Government reported that it was taking action in response to the OAS recommendations.

In February 2000, an off-duty police officer armed with a machete chased Kelvin "Brambles" Barrow into the sea, where Barrow died. In 2000 the Ombudsman presented a report to the National Assembly indicating that there was no conclusive evidence that the officer or another officer who was present at the time were responsible for Barrow's death. The Department of the Public Prosecutor (DPP) determined after investigation that there was no evidence to support criminal charges against either officer. However, the DPP referred the case to a coroner's inquest, which had not reached a conclusion by year's end. Barrow's family continued to pursue a civil suit that they filed against the officers alleged to be involved in the death.

During a March 2000 riot in Hattieville prison, a guard shot and killed an inmate. The Ombudsman's investigation revealed that the officer was delinquent. However, the DPP's criminal investigation was unable to attach blame to any officer, and the investigation was closed. At year's end, a committee appointed by the National Assembly reached the same conclusion. However, the DPP sent the case for a coroner's inquest, the results of which were unavailable at year's end.

In 1999 Daniel Tillett died while in police custody, after being arrested for fighting in public. In February 2000, the Director of Public Prosecutions issued instructions to the Police Commission to proceed to indictment of the officer-in-charge, Jesus Cantun. However, on March 13, the Supreme Court dismissed the case against Cantun, ruling that the DPP's office, due to uncooperative witnesses, was unable to present a case.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading

##### Treatment or Punishment

The Constitution prohibits torture or other inhuman punishment; however, there were occasional confirmed reports that the police used excessive force. Some of the most common complaints received by the office of the Ombudsman involve alleged misconduct and abuse by police and Department of Corrections personnel. However, the Ombudsman reported that the number of such reports are decreasing. From April 2000 through March 31, the Ombudsman received 86 complaints of police misconduct or abuse; the office received complaints at a decreased rate for the rest of the year. Additionally, the Ombudsman stated that in approximately 60 percent of these cases, police are found to have acted appropriately.

The Police Department's internal affairs and discipline (IAD) section, the Director of Public Prosecutions, the Ombudsman's office, and on occasion, special independent commissions appointed by the Prime Minister, investigate allegations of abuse by officials. During the year, the IAD received 297 complaints against police officers; of these, 17 involved alleged use of excessive force by police.

On July 30, protesters illegally blocked the country's major north-south highway. In response, the police and members of the BDF attempted to clear the roadway. After hours of negotiation, police and BDF personnel used tear gas in an attempt to clear the bridge, and protesters assaulted security personnel with rocks and bottles. Several security personnel were injured, and others responded by firing their weapons in the direction of the protesters, wounding two civilians. The Government immediately suspended a BDF soldier suspected of discharging his weapon and the next day appointed a commission of inquiry to investigate the events. At year's end, the commission continued to conduct hearings on the matter.

On August 27, 2000, two national team soccer players claimed that police beat them while they were handcuffed in Orange Walk Town. As a result of an IAD investigation, the authorities brought charges against constables Roger Briceno, Mateo Carrillo, and A. Coc for the crime of "wounding," which carries a 2-year prison sentence. While no action was taken against the chief inspector for the district, James Magdaleno, the authorities discharged assistant inspector Eli Salazar from the force, following an investigation of alleged torture of another victim.

In 1999 two Guatemalan men, Hector Balcarcel and Ricardo Guzman, were detained at the Guatemala-Belize border. They were taken into police custody, allegedly detained for 5 days, and Balcarcel allegedly was tortured. Balcarcel's report to the Human Rights Commission and the Guatemalan Embassy claimed that he was stripped, handcuffed, burned with a lighter and habanero peppers on his genitals, beaten with a stick, and forced to drink his own urine. After an internal investigation, the police determined that these allegations were false; however, a subsequent review of this investigation by the IAD revealed the allegations to be true. As a result, the authorities discharged assistant inspectors Eli Salazar and Cardinal Smith from the police force. While no report was made public, the IAD forwarded its conclusions to the Office of the Prime Minister.

Subsequently, Smith successfully appealed to the Supreme Court for reinstatement, because had not been told the grounds for his dismissal; he later was reassigned to the police force.

Prison conditions are poor. Conditions at the Hattieville Department of Corrections--the country's only prison--have deteriorated continually since it opened in 1993. Although designed to house 500 inmates, it housed 873 male inmates and

30 female inmates, resulting in significant overcrowding. Pretrial detainees are housed in overcrowded cells separate from convicted criminals. At year's end, 131 detainees shared 13 15-by 20-foot cells, equipped with beds for less than half that number. The majority of prison accommodations do not have showers or toilets. Instead, inmates are provided with 5-gallon buckets. The prison psychiatrist provides mental health services for inmates. There is no separate facility for inmates with mental illnesses. First-time offenders are housed in the same building as those who commit capital crimes. Although the Assembly passed legislation that would reduce the number of first-time offenders sent to prison, the Government had only limited funding to support the proposed changes, such as developing community service projects to employ first-time offenders.

Noncitizens constitute approximately 15 to 20 percent of the prison population. There are rare reports of human rights abuses in the form of physical brutality by prison wardens. Prisoners enforce their own code of conduct and have attacked prisoners convicted of particularly serious crimes, such as child molestation. Incidents of gang- and drug-related violence in the prison have decreased. Frequent prison breaks, confiscation of weapons, and reports of beatings have occurred throughout the prison's history. During the year, prison authorities confiscated a large number of deadly weapons, including 23 machetes and 4 makeshift guns. The authorities reported that there were 14 prison escapes during the year, the lowest number in over 50 years; the authorities had captured all but 3 escapees by year's end.

In March 2000, a visiting judge sentenced two inmates at the Hattieville prison to be flogged with a tamarind whip as punishment for assaulting and nearly killing another inmate. This punishment was given official support and approval from the Minister of Prisons and the prison governor, who said that the punishment was necessary, but that floggings would not be carried out in the future. However, later in 2000 and again in August, inmates were flogged in accordance with prison rules for stabbing a fellow inmate in the neck and for escape.

The prison includes a separate facility for women, located about 200 yards outside the main compound. Conditions in the women's facility are significantly better than those in the much larger men's compound. The 30 women held there occupied 17 cells; each inmate has her own bed. The facility is clean, and inmates have access to limited educational classes and vocational classes in cosmetology.

The Government took steps to curb recidivism and focus on rehabilitation. The Youth Enhancement Agency (YEA) houses over 60 youths between the ages of 13 and 25, who participate in rehabilitation and job training programs. Increasingly, youthful offenders are transferred from the main prison to the YEA facilities. Prison authorities provided training for inmates in basic skilled trades such as carpentry and construction. During the year, the prison joined with the Fisheries Department to teach aquaculture to inmates. In addition to providing food and income for the prison, prison officials hope to train inmates for eventual work. A job-training program at a citrus farm employs 44 inmates. There is a time-off program for good behavior.

The Government permits prison visits by independent human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest or detention, and the Government generally observes these provisions; however, there were occasional accusations of arbitrary arrest and detention.

The law requires the police to inform a detainee of the cause of detention within 48 hours of arrest and to bring the person before a court to be charged formally within 48 hours; a constitutional change that took effect during the year reduced the time from 72 hours. In practice the authorities normally inform detainees immediately of the charges against them. In the past, there were persistent allegations that security forces held detainees for 72 hours and released them but upon release, rearrested them; however, there were no such allegations during the year. Police are required to follow "The Judges' Rules," a code of conduct governing police interaction with arrested persons. Courts throw out cases in which police have violated these rules. Bail is available for all cases except murder and is granted in all but the most serious cases. In cases involving narcotics, the police cannot grant bail, but a magistrate's court may do so after a full hearing. Detainees sometimes cannot afford bail, and backlogs in the docket often cause considerable delays and postponement of hearings, resulting in an overcrowded prison, and at times prolonged pretrial detention (see Sections 1.c.

and 1.e.).

The Constitution forbids exile. However, in September the authorities arrested four striking banana workers in the southern part of the country and deported them. The four had been active in attempts to unionize banana workers at one of the country's largest banana farms (see Section 6.b.). Although Honduran by birth, two of the four are naturalized citizens of the country, and the other two are legal permanent residents of the country. In spite of the workers' status, and contrary to the law, Minister of Immigration Maxwell Samuels issued deportation orders. The deportations were criticized widely, and Prime Minister Musa revoked them later the same day. A week later, the Government dispatched a boat to bring the four workers back to the country.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, at times the judiciary is subject to political influence. The appearance of judicial independence from the executive branch is compromised because some foreign judges and the Director of Public Prosecutions must negotiate renewal of their contracts with the Government and thus may be vulnerable to political interference. Of the four justices sitting on the Supreme Court, only one is a citizen.

The judiciary consists of the alcalde courts (with jurisdiction over small civil claims and minor criminal infractions), the magistrate's courts, the Supreme Court, the Court of Appeals, and a family court that handles cases of child abuse, domestic violence, and child support. Those convicted by either a magistrate's court or the Supreme Court may appeal to the Court of Appeals. In exceptional cases, including those resulting in a capital sentence, the convicted party may make a final appeal to the Privy Council in the United Kingdom. Trial by jury is mandatory in capital cases.

Persons accused of civil or criminal offenses have constitutional rights to presumption of innocence, protection against self-incrimination, defense by counsel, a public trial, and appeal. Defendants have the right to be present at their trial unless the opposing party fears for his or her safety. In such a case, the court grants interim provisions under which both parties are addressed individually during a 5-day period.

Legal counsel for indigent defendants is provided by the State only for capital crimes. In 1999 the Government appointed an attorney to the Legal Aid Center to improve and strengthen legal aid services to the public. The judicial system is constrained by a severe lack of trained personnel, and police officers often act as prosecutors in the magistrate's courts.

The family court is at the same level as the magistrate's courts; however, trials in cases that come before the family court generally are private. The convicted party in family court may appeal to the Supreme Court.

There are lengthy trial backlogs in the judicial system. One factor commonly cited is the low pay offered to judges, resulting in high turnover rates. In addition, many cases are taking years to resolve. The Supreme Court is staffed by four justices; although a full complement is five. On October 2, a fifth judge was added temporarily to the court for its fall term to help it handle a docket of criminal cases. However, the heavy caseload of serious crimes, as well as poor case management, lack of attorney discipline, and unreliable witnesses contribute to a significant backlog of cases.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violators are subject to legal action. However, disputes regarding the Government's exercise of eminent domain rights have arisen in the past and have taken some time to resolve.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and the Press

The Constitution provides for freedom of speech and of the press, but it also permits the authorities to make "reasonable provisions" in the interests of defense, public safety, public order, public morality, or public health. These provisions include forbidding any citizen to question the validity of the financial disclosure statements submitted by public officials. Anyone who questions these statements orally or in writing outside a rigidly prescribed procedure is subject to a fine of up to \$2,500 (bz\$5,000), or imprisonment of up to 3 years, or both.

A wide range of viewpoints is presented publicly, usually without government interference, in seven privately owned weekly newspapers, three of which are affiliated directly with major political parties. There is no daily press. All newspapers are subject to the constraints of libel laws.

There is a range of privately owned commercial radio stations. In addition to these local stations, there are two British military stations that broadcast news directly from London. Popular radio call-in programs are lively and feature open criticism of and comments on government and political matters.

There are eight privately owned television broadcasting stations, including several cable networks in Belize City and other major towns. The Government's Belize Information Service issues press releases and maintains an Internet Web site. Two independent television stations produce local news and feature programs. The Belize Broadcasting Authority regulates broadcasting and asserts its right to preview certain broadcasts, such as those with political content, and to delete any defamatory or personally libelous material from political broadcasts.

The Government does not restrict access to the Internet.

The Government does not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and for freedom of association, and the Government generally respects these rights in practice. Political parties and other groups with political objectives freely hold rallies and mass meetings. The organizers of public meetings must obtain a permit 36 hours in advance of the meetings; such permits are not denied for political reasons and are granted routinely in practice. In July police used tear gas to disperse protesters who were blocking a roadway; two civilians and several security personnel were injured (see Section 1.c.).

The Government permits citizens to form and join associations of their choosing, both political and nonpolitical.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice.

The law provides for granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. The Government's Refugee Department officially closed in 1999. Since then, the UNHCR has relied upon a local nongovernmental organization (NGO) to monitor the status of asylees and to represent its interests. There were an estimated 22 refugees receiving UNHCR assistance and awaiting the opportunity to apply for asylum in the country at year's end. Most are Africans from Nigeria or Sierra Leone.

The previous administration appointed members to an eligibility committee to review applications for asylum. The committee, which included a UNHCR representative, met on a weekly basis. The Government has not established an eligibility committee since the change of administrations in 1998. The Government has not accepted applications, and no mechanism exists to adjudicate asylum requests. There is no legislation that formalizes the asylum process. The Government last honored the principle of first asylum in the case of four persons in 1995.

In the wake of the civil conflicts in Central America in the 1980's, over 40,000 predominantly Hispanic migrants came to the country, many of them entering illegally and living without documentation. In 1999 the Government instituted a 6-week amnesty initiative whereby undocumented migrants were eligible to obtain legal residency, provided: They had lived in the country continuously for 4 years; married a Belizean citizen or had a stable common-law association; had Belizean children; or, if female, were at least 4 months pregnant. The amnesty was expected to benefit about 5,000 UNHCR-registered asylees, as well as 13,000 others. Officials continued to process amnesty applications during the year.

### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The country is a democracy governed by a national assembly with executive direction from a cabinet of ministers headed by Prime Minister Said Musa. The law requires national elections every 5 years. The Government changed hands in August 1998 when the PUP won 26 of 29 seats in the House of Representatives in generally free and fair elections.

All elections are held by secret ballot, and suffrage is universal for citizens 18 years of age and older. National political parties include the People's United Party, the United Democratic Party (UDP), and the National Alliance for Belizean Rights. Another political party, calling itself "We the People," was formed during the year. The country's ethnic diversity is reflected in each party's membership.

No laws impede participation of women in politics; however, the percentage of women in government and politics does not correspond to their percentage of the population, due to both tradition and socioeconomic factors. There are two women in the House of Representatives; one is an elected Representative and the other was appointed to serve as Speaker of the House. Three women sit in the nine-member Senate, one of whom served as President of the Senate for part of the year. Additionally, two women are members of the Cabinet, and three are permanent secretaries in ministries. The Chief Elections Officer is also a woman.

There are no laws impeding participation by indigenous persons or minority groups in politics. There are Mestizo, Creole, Maya, and Garifuna representatives in the National Assembly.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Human Rights Commission of Belize (HRCB), an NGO affiliated with regional human rights organizations and partly funded by the UNHCR, operates without government restriction on a wide range of issues, including migrant and agricultural workers' rights and cases of alleged police abuse. The HRCB publishes human rights complaints and urges police and other governmental bodies to act upon them. The HRCB gained prominence through media reports about its workshops and seminars that educate citizens about human rights.

International human rights groups operate freely as well. Government officials generally are cooperative and responsive to their activities.

The Government's Ombudsman reported that his office received fewer complaints of human rights violations during the year than in 2000. The three most common categories of complaints involve police, the Lands Office, and prison personnel, in that order (see Section 1.c.).

The Ombudsman's second annual report highlighted concerns similar to the previous year's report, such as unprofessional police services and lack of response by public officials to citizen's complaints. The report stated that the Ombudsman's office had received 251 formal complaints (regarding all types of perceived abuse by government agencies) from April 2000 through the end of March.

The Ombudsman coordinates his work with the HRCB, pursuant to a memorandum of understanding signed in 2000. As a result, the Ombudsman stated that both entities have shared capabilities and improved their services.

### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The country is multiracial and multiethnic, and the Government actively promotes tolerance and cross-cultural understanding. Discrimination on ethnic or religious grounds is illegal and rare, although ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem. The Government continues to reserve certain professions for citizens, granting permits and licenses to noncitizens only in specific cases. These occupations include fishing, souvenir manufacturing, sightseeing tours, accounting, insurance, real estate, and legal services.

#### Women

Violence against women is a problem. Although statistics are incomplete, the Ministry of Human Development, Women, and Civil Society estimated that there were about 1,000 domestic violence cases during the year. On March 8, the Domestic Violence Surveillance Data Report was released; compiled by the Women's Department, police, and other organizations in all six districts of the country, it showed that domestic violence

is widespread. Most of the reported cases were from Belize City. The report recognized that underreporting of cases may occur in other parts of the country where persons are reluctant to discuss or report it. The Police Department has a family violence unit that addresses complaints of spousal abuse. A shelter for battered women offers short-term housing. The Belize Organization for Women and Development, an NGO, advises women on their rights and provides counseling.

Laws prohibit rape and sexual harassment, but few offenders are charged and convicted. The Criminal Code prohibits marital rape.

Adult prostitution is not illegal, although the law prohibits loitering for prostitution, operating a brothel, or for a man to solicit for prostitution. The laws carry penalties of fines up to \$500 (bz\$1,000) or 1 year of imprisonment, and are weakly enforced.

Despite constitutional provisions for equality, women face social and economic prejudice. Although there is no statistical support for the claim, it is believed widely that women find it more difficult than men to obtain business and agricultural financing and other resources. Most employed women are concentrated in female-dominated occupations with traditionally low status and wages. The Women's Bureau in the Ministry of Human Development, Women, and Civil Society is charged with developing programs to improve the status of women. A number of officially registered women's groups work closely with various government ministries in promoting social awareness programs. Women have access to education and are active in all spheres of national life, but relatively few hold top managerial positions. However, women head the Belize Business Bureau, Belize Chamber of Commerce and Industry, Belize Citrus Growers Association, several prominent environmental NGO's, and the Belize Rotary Club. The law mandates equal pay for equal work; however, because women tend to be employed in certain occupations, no reliable evidence exists to support the widely held belief that female workers often earn less than men in similar jobs. There are no legal impediments to women owning or managing land or other real property.

#### Children

Education is compulsory for children between the ages of 5 and 15. After children finish their primary education, they may enter a secondary school, the government-run apprenticeship program, or a vocational institution. However, these programs have room for only about one-half of the children finishing primary school; competition for spaces in secondary school is intense. Education is nominally free, but various school, book, and uniform fees place education out of reach for many poor children. There are also many truants and dropouts. According to the Central Statistics Office, in the 1990's, 46 percent of children did not complete primary school, and 10 percent of those children never enrolled in school at all.

The Family Services Division in the Ministry of Human Development, Women, and Civil Society is devoted primarily to children's issues. The division coordinates programs for children who are victims of domestic violence, advocates remedies in specific cases before the family court, conducts public education campaigns, investigates cases of trafficking in children (see Section 6.f.), and works with NGO's and UNICEF to promote children's welfare. The National Committee for Families and Children includes a representative from the Ministry of Human Development, Women, and Civil Society.

Child abuse is not considered to be widespread or a societal problem. In 1998 the National Assembly passed the Families and Children Act, and in 1999 the National Organization for the Prevention of Child Abuse (NOPCA), an NGO, published a handbook for the public that outlines in plain language the provisions of the law. The law allows authorities to remove a child legally from an abusive home environment, removes the limit placed on child support that a parent must pay, and allows men to file for support, as well as women. It requires parents to maintain and support children until they reach the age of 18, compared with the previous law's mandate of support until the age of 16. The law also accepts DNA testing as legal proof of paternity and maternity. It requires that all adoptions be reported to the Human Development Department of the Ministry of Human Development, Women, and Civil Society, and that prospective parents be screened before they may adopt a child. The NOPCA instituted a nationwide telephone help line to encourage discourse and reduce abuse.

#### Persons with Disabilities

The law does not provide specifically for accessibility for persons with disabilities or prohibit job discrimination against them. The Government's Disability Services Unit, as well as a number of NGO's, such as the Belize Association of and for Persons with Disabilities and the Belize Center for the Visually Impaired, provide assistance to such persons. Children with disabilities have access to government special education facilities, although the requirements to enter such programs are strict.

## Indigenous People

Among the country's indigenous people, the Mopan and Ke'kchi are grouped under the general term Maya, although their leaders say that they should be identified as the Masenal, meaning "common people." The Maya have sought official recognition of their communal claims to land, but the Government has been reluctant to single out one ethnic group for special consideration. The Government has designated 77,000 acres as 9 separate Mayan reserves; however, Mayan leaders claim that the Maya have an ancestral claim to a total of 500,000 acres. The Maya have formed cultural councils and other groups to advance their interests, sometimes with the collaboration of NGO's concerned with environmental and indigenous issues. Several Mayan organizations had filed suit to force the Government to recognize the Maya's ancestral land claims and to prevent further granting of logging concessions on the disputed land. However, at year's end, the suit had been dropped and Mayan leaders had taken no further action.

In October 2000, the Government and the Mayan People of Southern Belize (a loose association of Mayan and nongovernmental groups) signed a collective agreement to address the grievances set forth in a petition by Mayan community leaders in the summer of 1998. However, Mayan leaders reported that by year's end, the agreement had produced no concrete results since its signing.

## Section 6 Worker Rights

### a. The Right of Association

By law and in practice, workers generally are free to establish and join trade unions. Eight independent unions, whose members constitute approximately 11 percent of the labor force, represent a cross-section of white-collar, blue-collar, and professional workers, including most civil service employees. However, several of these unions are inactive. The Ministry of Industry, Commerce, Public Services, and Labor recognizes unions after they file with the Registrar's Office. The law empowers members to draft the bylaws and the constitutions of their unions, and they are free to elect officers from among the membership at large. Unions that choose not to hold elections may act as representatives for their membership, but the National Trade Union Congress of Belize (NTUCB) permits only unions that hold free and annual elections of officers to join its ranks. Both law and precedent effectively protect unions against dissolution or suspension by administrative authority.

The law permits unions to strike and does not require them to give notice before going on strike. In August physicians in the Orange Walk district conducted a go-slow strike to protest working conditions and pay. At year's end, the dispute was submitted to an arbitration panel.

Although no unions are affiliated officially with political parties, several are sympathetic to one or the other of the two main parties (the PUP and the UDP).

Unions freely exercise the right to form federations and confederations and affiliate with international organizations.

### b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining and unions practice it freely throughout the country. The Trade Unions and Employers Organizations Act of 2000 became law in December of that year. Employers and unions set wages in free negotiations, or, more commonly, employers simply establish them. The Labor Commissioner or his representative acts as a mediator in deadlocked collective bargaining negotiations between labor and management, offering nonbinding counsel to both sides. Historically the Commissioner's guidance has been accepted voluntarily. However, should either union or management choose not to accept the Commissioner's decision, both are entitled to a legal hearing of the case, provided that it is linked to some provision of civil or criminal law.

The Constitution prohibits antiunion discrimination both before and after a union is registered. Unions may organize freely, and the Trade Unions and Employers Organizations Act requires employers to recognize unions when a critical level of membership is reached. Some employers have been known to block union organization by terminating the employment of key union sympathizers, usually on grounds purportedly unrelated to union activities. Effective redress is extremely difficult to obtain in such situations. Technically, a worker can file a complaint with the Labor Department, but in practice it is difficult to prove that a termination was due to union activity.

On June 7, six banana workers who had been active in union organizing activities on a southern banana farm were fired and were served with eviction notices from their company-provided housing. The six workers had



worked for the company for periods ranging from 4 to 17 years. The six workers sued under the labor law and won an injunction against their removal. However, as the case awaited a full hearing, the Government deported four of the six to Honduras (see Section 1.d.). Later, the four were returned to the country at the Government's expense. Workers continue to press for recognition of their union. At year's end, all of the banana workers had found work elsewhere, but they continued to press claims in court for compensation based on their wrongful dismissal. In addition, the four deported workers were negotiating compensation from the Government for their illegal deportation, while a court case was pending.

The Labor Code applies in the country's export processing zones (EPZ's). There are no unions in the EPZ's, reflecting the general weakness of organized labor in the country.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution and laws forbid forced, compulsory, or bonded labor, including that performed by children, and generally it is not known to occur.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Act prohibits all employment of children under age 12 and prohibits employment of children between the ages of 12 and 14, before the end of school hours on official school days. However, there is a long tradition of children's employment on family farms and in family-run businesses, which the law allows. The minimum age for employment is 17 years for work near hazardous machinery. Inspectors from the Departments of Labor and Education enforce this regulation.

In November 2000, the NOPCA began a child labor project; it released a report in January stating that child labor exists in many forms in the Corozal district. Children work as shop assistants, gasoline attendants, and cane farmers. Other reported instances of violation of child labor laws are rare; one report that received wide exposure involved the employment of 16- to 18-year-olds in the Commercial Free Zone, an EPZ near the Mexican border, where the teenagers reportedly worked during school hours and for longer hours than allowed by law.

Laws prohibit forced and bonded labor by children, and in general the Government effectively enforces this prohibition.

#### e. Acceptable Conditions of Work

The minimum wage is \$1.12 (bz\$2.25), except in export industries, where it is \$1.00 (bz\$2.00) per hour. For domestic workers in private households and shop assistants in stores where liquor is not consumed, the rate is \$0.87 (bz\$1.75) per hour. The minimum wage law does not cover workers paid on a piecework basis. The Ministry of Industry, Commerce, Public Services, and Labor is charged with enforcing the legal minimum wage, which generally is respected in practice. The minimum wage as sole source of income does not provide a decent standard of living for a worker and family. Most salaried workers receive more than the minimum wage.

The law sets the normal workweek at no more than 6 days or 45 hours. It requires payment for overtime work, 13 public holidays, an annual vacation of 2 weeks, and sick leave for up to 16 days. An employee is eligible for severance pay provided that he was employed continuously for at least 5 years.

The exploitation of undocumented Guatemalan, Honduran, and Salvadoran workers, particularly young service workers and possibly some agricultural workers, continued to be a problem. Banana farm owners slowly continue to move the housing they provide for their workers away from the fields where poisonous pesticides are sprayed. Health clinics in the region report that the most frequently treated ailments are pesticide-related skin conditions. Company-provided housing often lacks electricity and water. The Government, the HRCB, and other concerned citizens focus on this problem; however, since turnover rates of banana workers are so high, organizing this segment of the work force is difficult.

On March 14, an NGO released a highly critical report that documented the banana growers' mistreatment of their largely migrant workforce. The report was prepared by the Banana Task Force of the NTUCB and the nongovernmental Society for the Promotion of Education and Research. On March 22, industry representatives held a forum in which they criticized the report as inaccurate. The Ombudsman said he would conduct his own investigation into the report's allegations, and the Labor Ministry promised more assistance to affected workers. However, at year's end, the Government had provided no additional assistance to banana workers.

A patchwork of health and safety regulations covers numerous industries, and the Labor Department in the Ministry of Industry, Commerce, Public Services, and Labor enforces these regulations to varying degrees. Enforcement is not universal, and the ministries commit their limited inspection and investigative resources principally to urban and more accessible rural areas where labor, health, and safety complaints have been registered. Workers have the legal right to remove themselves from a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons

Although the law does not specifically prohibit trafficking in persons, it does proscribe procurement for the purpose of prostitution. There were unconfirmed reports that women had been enticed to come to the country with promises of work as domestics or waitresses, but then were forced to work as prostitutes.

The Ministry of Human Development, Women, and Civil Society, the police department, and--in cases involving migrant children--the Ministry of Immigration investigate and attempt to remedy cases that involve trafficking in children. Unlike the previous year, there were no reports of trafficking in children for the purpose of prostitution.